

# Cox Padmore Skolnik & Shakarchy LLP

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April 30, 2021

**Via ECF Filing**

Hon. Lewis J. Liman, U.S.D.J.  
United States District Court  
for the Southern District of New York  
500 Pearl Street, Room 701  
New York, NY 10007

**Re: Green Star Energy Solutions, LLC v. Edison Properties, LLC *et al***  
**(SDNY 1:21-cv-02682-LJL)**

**Plaintiff's Request to Extend Briefing Schedule on Defendants' Motion**

Dear Judge Liman:

This firm represents plaintiff Green Star Energy Solutions, LLC ("Plaintiff") in the above-referenced matter. Pursuant to Fed. R. Civ. P. 6(b)(1)(A), Plaintiff respectfully requests that the briefing schedule on Defendants' motion to sever claims and for other relief filed April 5, 2021, as ECF Nos. 4-8 ("Defendants' Motion to Sever") be extended by **1 week**. As required by Section 1(C) of Your Honor's Individual Practices in Civil Cases, Plaintiff states the following:

(1) the current briefing schedule on Defendants' Motion to Sever is: opposition papers to be filed by May 7, 2021; and reply papers in further support of the motion to be filed by May 21, 2021;

(2) on April 7, 2021, counsel for defendants Edison Properties, LLC, Edison Construction Management LLC, Pasquale Suriano and Joseph Pipia ("Edison-Parties' Counsel") filed a consented request to extend the briefing schedule on the motion, which was the first such request for an extension of time on the motion;

(3) the Court granted that request on April 8, 2021, by electronic docket entry at ECF No. 11;

(4) in a phone call earlier today, April 30, 2021, the Edison-Parties' Counsel stated that he does not consent to this request, stating his reason as being related to actions being taken in the Hollister bankruptcy proceeding pending before the District of New Jersey Bankruptcy Court; and

(5) the date of the parties' next scheduled appearance before the Court is today, April 30, 2021 at 4:00 PM.

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As good cause for this requested extension, Plaintiff respectfully contends that it needs an additional week to adequately prepare its opposition to Defendants' Motion to Sever because:

(1) Exhibit A to the Declaration of Pasquale Suriano, relied upon by Plaintiff in its Memorandum of Law, was filed with missing pages, as discussed between counsel earlier today, requiring extra time to review now that counsel has supplied those pages via electronic mail (but has not yet corrected the copy filed with the Court);

(2) the Edison-Parties' Counsel did not include copies of or hyperlinks to any of the numerous filings from the Hollister bankruptcy proceeding relied upon in the motion papers, making it time consuming and difficult to review those documents in connection with preparing opposition papers;

(3) the 28 page Memorandum of Law submitted on the omnibus motion, which involves the interplay between removal of actions from state court, venue, bankruptcy and other topics, requires extensive legal research on multiple differing areas of the law; and

(4) Plaintiff is seeking an extension of only 1 week to the briefing schedule, which is unlikely to have any significant prejudice or impact with respect to this proceeding or the Hollister bankruptcy proceeding.

Accordingly, Plaintiff respectfully contends it has good cause for this request, and requests that the briefing schedule on the motion be extended as follows:

- (i) Opposition to the Motion to be filed on or before May 14, 2021; and
- (ii) Reply in further support of the Motion to be filed on or before May 28, 2021.

Thank you for your consideration of this request.

Respectfully submitted,

  
Ralph N. Gaboury

cc: Michael Ansell, Esq. (via ECF)  
Gregory Tuttle, Esq. (via ECF)